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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,751	01/19/2001	Ernest Cohen	APP 1277-US	8892

9941 7590 03/30/2004

TELCORDIA TECHNOLOGIES, INC.
ONE TELCORDIA DRIVE 5G116
PISCATAWAY, NJ 08854-4157

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,751

Applicant(s)

COHEN, ERNEST

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 1/12/2004.
2. Claims 1-34 are canceled and claims 35-41 are added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 35-41 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Matyas, Jr. (U.S. pat. No. 6,102,287) in view of Kuroda et al. (U.S. Pat. No. 6,421,779).**

As per claims 35, 37, 38, and 39-41 Matyas substantially an electronic system in which a buyer purchases a product by sending an electronic payment order to a seller, the electronic payment system, comprising:

the purchaser obtaining from the vendor transaction information identifying the transaction (see., abstract, col 3, lines 23-56, col 11, lines 34-65);

at the purchaser electronically performing a message authentication code function on the transaction information and purchaser identification information including a secret key of the purchaser's to obtaining secure information regarding the transaction and the purchaser (see., abstract, col 3, lines 23-56, col 11, lines 34-65, col 2, lines 7-28).

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Matyas further discloses the step of adding value to the transition information see., col 13, lines 1-19. It is to be noted that Matyas fails to explicitly disclose the steps of providing the purchaser identification information and the secure information to the vendor; the vendor transmitting the vendor transaction information, the purchaser identification information, and the secure information to a verifier; and the verifier using the purchaser's secret key to perform the same message authentication code function, and if the result is the same verifying the security of the electronic transaction. However, Kuroda discloses an electronic data storage that includes a data storage unit for storing electronic data, an authentication information generation unit for generating authentication information used see., col 12, lines 56-67, col 13, lines 23-29, and lines 6-22, specifically wherein it is stated that the electronic data storage uses as data the result of linking the electronic data with the transaction identifier, and generates an authentication information MAC using a master key). Kuroda further discloses the step of comparing or verifying a result of the received information (see., col 13, lines 6-22, and also it is inherent to know that the MAC of Kuroda can be used as a credit card). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time was made to modify the electronic payment system of Matyas by including the limitation detailed above as taught by Kuroda because this would verify the correctness of the electronic data transfer.

As per claims 36 Matyas discloses the claimed wherein said vendor transaction information includes the purchase amount (see., col 5, lines 12-24).

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 1/12/2004 have been fully considered but they are moot in view of new ground (s) of rejection. Necessitated by amendment.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent Examiner

March 25, 2004